

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

V.

MICHAEL D. HARVEY

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CASE NO.: 1:06cr107-MHT

**MOTION FOR EXTENSION
OF TIME TO FILE PRETRIAL MOTIONS**

COMES NOW the Defendant, Michael D. Harvey, by and through undersigned counsel, Kevin L. Butler, and requests a two week extension of time to file pretrial motions. In support of this motion undersigned counsel states:

1. Mr. Harvey is a 19 year old male. Juvenile education records indicate he has a possible Intelligent Quota (IQ) of 51 and a history of psychiatric treatment. Prior to his arrest on these charges he resided in Seminary, Mississippi with his mother.
2. Mr. Harvey is charged with sexual contact with a minor and trial is set August 7, 2006.
3. During the week of May 22-26, 2006, at the defense's request, Dr. Catherine Boyer performed multiple psychiatric tests on Mr. Harvey. Dr. Boyer is in the process of analyzing the tests and preparing a psychiatric report for the defense. Undersigned counsel anticipates receiving the psychiatric report/evaluation on or before, June 14, 2006.
4. Additionally, Mr. Harvey's mental health and personal records are presently being sought from Mississippi.
5. Based upon the information in the psychiatric report and information gathered through the defense's ongoing investigation in MS, the defense may challenge the admissibility

statements allegedly made by Mr. Harvey at or near the time of his arrest.¹

6. For these reasons it is in the interest of justice to allow undersigned counsel until June 14, 2006 to file pretrial motions.

WHEREFORE, the defendant prays that he be allowed until Wednesday, June 14, 2006, to file pretrial motions in this matter.

Respectfully submitted,
s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

¹ Other pretrial motions may also stem from this report. (i.e. motion for mental competency exam under 18 U.S.C. § 4241)

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138